

Remarks

In the Office Action, the Examiner rejects claim 1 under the judicially created doctrine of double patenting in view of U.S. Patent No. 6,269,077 to Matsumura et al. ("Matsumura") and rejects claims 1-14 under 35 U.S.C. § 102(e) based on Matsumura.

By this Amendment, Applicant has amended claims 1, 2, and 4-9 to more appropriately define the invention. Claims 10-14 have been cancelled without prejudice or disclaimer. New claims 15-18 have been added. Applicant submits that new claims 15-18 contain certain features similar to those in claims 1-9 and that no new matter has been added.

In view of their cancellation, the rejection of claims 10-14 under 35 U.S.C. § 102(e) is obviated.

Regarding the double patenting rejection in view of Matsumura, Applicant submits that the rejection is not proper and should be withdrawn because the instant application and Matsumura are assigned to different assignees.

Matsumura is assigned to NEC Corporation. The instant application, by virtue of an Assignment recorded on February 18, 2005 in the patent office, is assigned to Juniper Networks, Inc. When there is no common assignee or inventor between an application and a patent, a double-patenting rejection is not appropriate. Therefore, the rejection of claim 1 under the judicially created doctrine of double patenting should be withdrawn.

For the following reasons, Applicants respectfully traverse the rejection of claims 1-9 under 35 U.S.C. § 102(e).

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. Applicant submits that Matsumura does not disclose the features of amended claims 1-9.

Amended independent claim 1, for example, is directed to a redundant system having two switch routes. The system includes  $N$ , with  $N$  greater than or equal to one, input selectors, each for receiving an input line and for connecting the received input line to one of the two switch routes based on a system switching signal. The system further includes a switch section for each one of the two switch routes, each of the switch sections having  $N$  input ports and  $N$  output ports, and  $N$  buffers. The  $N$  buffers each further include  $M$ , with  $M$  greater than or equal to two, priority queues for storing packets having different priorities. The system further includes an output selector for selecting one of the  $M$  priority queues from one buffer of one of the two switch sections. The system also includes a controller that receives status signals from both of the switch sections that includes information relating to a packet storing status of the  $M$  priority queues and, based on the status signals, controls the output selector to select the one of the  $M$  priority queues. The controller additionally generates the system switching signal.

Matsumura does not disclose or suggest each of these features. Matsumura, for example, does not disclose or suggest the controller recited in

claim 1, which receives status signals from both of the switch sections that include information relating to a packet storing status of the M priority queues, and, based on the status signals, controls the output selector to select the one of the M priority queues.

Matsumura is directed to a switching system with a duplicated switch. (Matsumura, Abstract). Matsumura discloses system switching control units 21 and 31 for controlling which switching system is the standby system and which is the active system. (Matsumura, Fig. 1 and column 5, lines 47-52).

Switching control units 21 and 31 of Matsumura, however, cannot reasonably be construed to correspond to the controller recited in claim 1. More particularly, Matsumura discloses two separate control units 21 and 31, one in each switch route, for controlling which switch route is the standby route and which is the active route. (Matsumura, column 5, lines 47-52). In contrast, amended claim 1 recites a controller that receives status signals from both of the switch sections that include information relating to a packet storing status of the M priority queues and, based on the status signals, controlling the output selector to select the one of the M priority queues. Each of switching control units 21 and 31 of Matsumura appear to be control units for their respective switching paths, and accordingly, neither can be said to receive status signals from both of the switch sections, as recited in amended claim 1.

Claim 1 further recites N input selectors, each for receiving an input line and for connecting the received input line to one of the two switch routes based

on the system switching signal generated by the controller. Switching control units 21 and 31 of Matsumura do not generate any such system switching signal.

For at least these reasons, Applicant submits that Matsumura fails to disclose or suggest each of the features recited in claim 1, and accordingly, the rejection of claim 1 based on Matsumura should be withdrawn. The rejections of claims 2-4 based on Matsumura should also be withdrawn, at least by virtue of the dependency of these claims from claim 1.

Independent claim 5 and its dependent claims 6-9 were also rejected by the Examiner. Applicant respectfully traverses this rejection.

Amended claim 5 is directed to a packet switching system having two switch routes. The system includes  $N$ , with  $N$  greater than or equal to one, input selectors, each of which selects one of the two switch routes to connect  $N$  input lines to the selected switch route based on a system switching signal. The system further includes a switch section provided for each of the two switch routes, each of the switch sections having  $N$  input ports and  $N$  output ports and comprising  $N$  buffers, each of the  $N$  buffers further including a high-priority queue for storing input data units having a high-priority and a low-priority queue for storing input data units having a low priority. The system further includes a high-priority output selector coupled to the high priority queues in each of the switch sections; a low-priority output selector coupled to the low priority queues in each of the switch sections; a high-priority output queue for storing an output of the high-priority output selector; and a low-priority output queue for storing an output of the low-priority output selector. The system further includes a controller

configured to generate the system switching signal and receive status signals from each of the two switch sections that include information relating to a storage status of the high-priority queues and the low-priority queues, the controller controlling the high-priority output selectors and the low-priority output selectors depending on the status signals.

Matsumura does not disclose or suggest each of the features of claim 5. Matsumura, for example, does not disclose or suggest the controller recited in claim 5. As previously mentioned, Matsumura discloses two separate control units 21 and 31, one in each switch route, for controlling which switch route is the standby route and which is the active route. (Matsumura, column 5, lines 47-52). Amended claim 5, in contrast, recites a controller that receives status signals from each of the two switch sections that includes information relating to a storage status of the high-priority queues and the low-priority queues, the controller controlling the high-priority output selectors and the low-priority output selectors depending on the status signals. Each of switching control units 21 and 31 of Matsumura appear to be control units for their respective switch route, and accordingly, neither can be said to receive status signals from each of the two switch sections recited in claim 5.

Further, the controller of claim 5 generates the system switching signal. For reasons similar to those given above regarding claim 1, Applicant submits that Matsumura does not disclose or suggest a controller that generates such a signal.

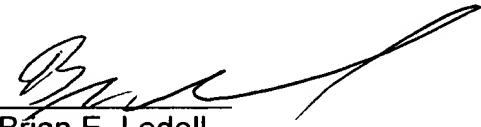
For at least these reasons, Applicant submits that Matsumura fails to disclose or suggest each of the features recited in claim 5, and accordingly, the rejection of claim 1 based on Matsumura should be withdrawn. The rejections of claims 6-9 based on Matsumura should also be withdrawn, at least by virtue of the dependency of these claims from claim 5.

Independent claim 15 and dependent claims 16-18 are newly added. Applicant submits that these claims are not disclosed or suggested by Matsumura.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 CFR 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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